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on the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Forty-eighth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Denmark

1. The Committee considered the tenth, eleventh and twelfth periodic reports of Denmark (CERD/C/280/Add.1) at its 1337th and 1338th meetings on 1 and 4 March 1996 (see CCPR/C/SR.1337-1338) and at its 1149th meeting, on 11 March 1996, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with a competent delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

3. Noting the judgement of the European Court of Human Rights in the case of Jersild-v-Denmark (36/1993/431/510), the Committee affirms that the "due regard" clause of article 4 of the Convention requires due balancing of the

right to protection from racial discrimination against the right to freedom of expression. The Committee recalls its General Recommendation No. XV on this point.

B. Factors and difficulties impeding the implementation of the Convention

4. The growth of racism and intolerance against foreigners, particularly asylum-seekers and migrant workers, is noted. The high level of unemployment makes it even more important to counter the influence of groups propagating ideas of racial superiority and attempting to justify practices of racial discrimination.

C. Positive aspects

5. The high standards of Denmark regarding the protection of human rights and its affirmed commitment to implement the provisions of the Convention are noted with appreciation. Denmark is one of the few States Parties to have made the declaration under article 14 of the Convention and to have accepted the amendment to article 8, paragraph 6, of the Convention.

6. The recent steps to bring Danish law and practice into line with the Convention's requirements are welcomed. They include the amendment of section 266 (b) of the Penal Code to make a sentence of imprisonment mandatory when the offence amounts to propaganda. The establishment of the Board for Ethnic Equality is an important step forward. Inter-ministerial discussions hold out the prospect of an explicit and comprehensive policy for eliminating racial discrimination. The introduction of a bill on the prohibition of unequal treatment in the labour market is of outstanding importance. The growth in the number of non-governmental organizations and their activities are also notable.

7. Appreciation is expressed for efforts to improve the representation of ethnic minorities in the police force.

D. Principal subjects of concern

8. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Denmark, the comments of the Board for Ethnic Equality, and other reports, suggest that some governmental institutions are insufficiently sensitive to the issue.

9. While the Committee understands the reasons which have led to the establishment of special reception classes for non-Danish speaking school children, it affirms that the "bussing" of school children should never be discriminatory in effect.

10. Similarly, the Committee is anxious that the attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods, shall not be discriminatory in effect.

11. It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups although new instructions have been issued to prosecutors. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

12. It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner. Also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

13. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an Air Force base in the early 1950s.

E. Suggestions and recommendations

14. The Committee recommends that in its next periodic report the Government of Denmark supply comprehensive information about the implementation in practice and the impact of proposed dispersal policies by the Byudvalget (Municipalities Committee) so that the Committee can assure itself that they conform with the requirements of the Convention.

15. The Committee recommends the reinforcement of measures for the full implementation of article 4 of the Convention and calls attention to its General Recommendation No. XV. If the allegations in paragraph 11 above are correct, then the licences should be withdrawn and prosecutions initiated to comply with article 4 of the Convention.

16. The Committee recommends further action to protect the right of everyone to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the rights to equal treatment within the criminal justice system and to security of person.

17. The Committee recommends that equal attention be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

18. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent any spread of racial interpretations of social and political problems.

19. The Committee suggests that further action be taken to see that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

20. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

21. The Committee recommends that the State Party's next periodic report, due on 8 January 1997, be updating in character and that it address all the points raised in these concluding observations.

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